



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Consider the appeal received from Joe (Mark) Newfield regarding Notice of Public Nuisance and Order to Abate property located at 4 Sierra Vista Place, Lodi issued by James H. Siemers, Code Enforcement Officer on April 2, 1992

MEETING DATE: August 5, 1992

PREPARED BY: Community Development Director

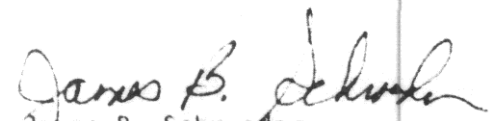
RECOMMENDED ACTION: that the City Council conduct a Public Hearing to consider the appeal received from Joe (Mark) Newfield regarding Notice of Public Nuisance and Order to Abate property located at 4 Sierra Vista Place, Lodi issued by James H. Siemers, Code enforcement Officer, on April 2, 1992.

BACKGROUND INFORMATION: Sometime in 1991 the storage structure at 4 Sierra Vista Place was damaged by fire. On January 3, 1992, Code Enforcement Officer James H. Siemers with assistance inspected the premises and ordered the building abated. The same order was issued again on April 2, 1992. Between these two dates the property owner, Joe (Mark) Newfield caused repairs to be made to the damaged structure but did not present the City plans for the work nor did he acquire necessary construction permits.

After the City Clerk received Mr. Newfield's appeal, the Community Development Director contacted him and suggested that he present engineered plans and acquire permits which would nullify the Abatement Order. As of this writing, plans have not been submitted.

Without engineered plans and inspections, the Building Division has no means of determining if the work performed by the owner has made the structure safe and in compliance with codes.

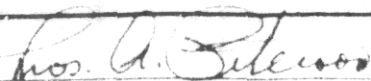
FUNDING: None required.


James B. Schroeder
Community Development Director

JBS/cg

Attachments

APPROVED



THOMAS A. PETERSON
City Manager



recycled paper

CC-1

John Schroeder

RECEIVED

COMM - 4 PM 12:00

LODI, CALIF.
CITY CLERK
CITY OF LODI

RECEIVED

MAY 04 1992



COMMUNITY
DEVELOPMENT
DEPARTMENT

April 30, 1992

Lodi City Council
221 W. Pine Street
Lodi, Ca. 55240

Dear Council Members,

On April 2, 1992 I was mailed an Abatement order on a building that I own at 4 Sierra Vista Place. The building was partially damaged by fire last summer and since then has been repaired.

I had Mike Smith inspect the building and he agreed with me that this building did NOT need demolition.

This is a storage only building that requires no city utilities. It is also completely fenced and locked at all times as I only store personal items which require minimal attention.

Please accept my appeal and lift this demolition order as it could prove quite costly for me to further appeal, or worse yet, demolish a useful building.

Sincerely,

Joe Newfield



Mike Smith Engineering

4 North Main Street - Lodi, CA 95240
(209) 334-2332 Fax (209) 334-6102

15 Apr 1992

Mark Newfield
P.O. Box Q
Woodbridge, CA 95258

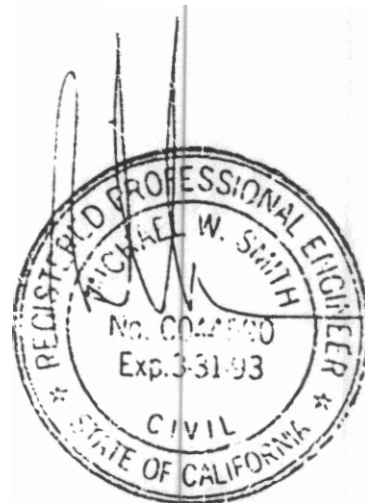
Dear Mark:

Having inspected your fire damaged storage building on South Sacramento Street here in town, have concluded that this structure can be salvaged. If you were to have your contractor replace the more severely damaged members, and install additional studs and rafters next to those that are not completely burned, this structure could be as structurally sound as it was before the fire. This repair work should not require a very large amount of time or money to accomplish.

If you require any additional services or would like to discuss this subject further, feel free to drop in or call.

Sincerely:

Michael W. Smith
R.C.E. No. 44590
MIKE SMITH ENGINEERING



CITY COUNCIL

JAMES W. PINKERTON, Mayor

PHILLIP A. PENNINO

Mayor Pro Tempore

DAVID M. HINCHMAN

JACK A. SIEGLOCK

JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET

PO BOX 3006

LODI, CALIFORNIA 95241-1910

(209) 334-5634

FAX (209) 333-6795

THOMAS A. PETERSON

City Manager

ALICE M. REIMCHE

City Clerk

BOB McNATT

City Attorney

April 2, 1992

CERTIFIED MAIL

NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE

Kirk Newfield
PO Box Q
Woodbridge, CA 95258

NOTICE OF PUBLIC NUISANCE

Public records indicate that you are the current legal owner of the real and improved property in the City of Lodi, County of San Joaquin, State of California described as follows: Assessor Parcel No. 045-250-21. Said property is more commonly known as 4 W Sierra Vista Place.

As the property owner, you are hereby notified that the undersigned Building Official of the City of Lodi has inspected said property and declare it to be a PUBLIC NUISANCE as defined and prescribed for by Section 202 et seq of the Unsafe Building Abatement Code of the City of Lodi.

INSPECTIONS AND VIOLATIONS

On January 3, 1992, the Building Official caused said property to be inspected. The following violations were discovered:

1. Finding: Building has been damaged by fire.

This existing condition is in direct violation of Section 302, paragraph 4. of the Unsafe Building Abatement Code of the City of Lodi which reads:

Kewfield (92-0002)
April 2, 1992
page 2

Dangerous Building

Sec.302. For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its Occupants are endangered:

4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

DETERMINATION

As a result of the foregoing violations, the undersigned Building official has declared the property to be a PUBLIC NUISANCE and has therefore made the following determination:

(a) The structure on the property in question shall be demolished and the property cleared of rubbish and debris. Demolition work shall be subject to the review of the Building Official in accordance with provisions set forth in Section 4409 of the Building Code of the City of Lodi.

Appropriate demolition permits shall be obtained from the City of Lodi prior to the commencement of any work required herein.

All demolition work required herein shall begin within 30 days of the date of this Notice and shall be completed within 45 days of the date of this Notice.

In all cases, the required work is subject to the inspection and final approval of the Building Official.

ORDER TO ABATE

Pursuant to Section 201 of the Unsafe Building Abatement Code of the City of Lodi, this Notice constitutes an ORDER to you, the owner of the property in question, TO ABATE the substandard conditions listed herein in a manner and within the times determined above.

Newfie?d(92-0002)

April 2, 1992

page 3

APPEAL

Property owners, or those with legal interest in the property who are served with this Notice may appeal the same to the City Council of the City of Lodi under Section 501 et seq of said Unsafe Building Abatement Code. The appeal shall be in writing and submitted to the City Council. in care of the City Clerk (221 West Pine-Street, Lodi. CA 95240), within 30 days of the date of this Notice.

Failure of any person to file an appeal in accordance with Section 501 of the Unsafe Building Abatement Code shall constitute a waiver of his right to an administrative hearing and adjudication of the notice and order or any portion thereof.

FAILURE TO COMPLY

In the event of your failure to comply with the requirements set forth above, the following may apply:

1. A citation shall be issued.
2. Any person violating the provisions of the building code, mechanical code, plumbing code, electrical code, or housing code is guilty of a misdemeanor for each day such violation continues.
3. Any person convicted of a misdemeanor for violation of this code is punishable by a fine of not more than one thousand dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment for each violation.

Should you require additional information, please contact this office.


JAMES H. SIEMERS
CadeSEHfSIEMERS Officer

cc: Community Development Director
Chief Building Inspector
City Attorney
Fire Marshall

CITY COUNCIL

W. PINKERTON, Mayor
PHILLIP A. PENNINO
Mayor Pro Tempore
DAVID M. HINCHMAN
JACK A. SIEGLOCK
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager

ALICE M. REIMCHE
City Clerk

BOB McNATT
City Attorney

January 8, 1992

CERTIFIED MAIL

Mark Newfield
PO Box 516
Woodbridge, CA 95258

RE: Special Inspection 92-0002
4 W Sierra Vista Pl
Lodi, CA 95240

DISTRIBUTION	
VIOLATION FILE	<input checked="" type="checkbox"/>
STREET FILE	<input type="checkbox"/>
CITY ATTORNEY	<input type="checkbox"/>
COMM DEV DIR	<input type="checkbox"/>
CHIEF BLDG INSP	<input type="checkbox"/>
FIRE MARSHALL	<input type="checkbox"/>
TENANT	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
15 30 45 60 90	<input type="checkbox"/>
TICKLER	<input type="checkbox"/>
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NOTICE OF VIOLATION

A special inspection conducted on January 3, 1992 at the above noted address, has revealed the following:

VIOLATIONS

1. Building damaged by fire.

DETERMINATION

1. Lodi Municipal Code; Section 15.28.010. The provisions set forth in the "Uniform Code for the Abatement of Dangerous Buildings, 1988 Edition," are adopted as the unsafe building abatement code of the city. The unsafe building abatement code of the city applies in all matters pertaining to dangerous buildings which are in existence or which may be constructed in the city.

As a result of the foregoing violations, the following action is required:

1. Inspection by the building official has determined that the building is dangerous as defined by the unsafe building abatement code and is hereby declared to be a public nuisance and shall be abated by demolition or removal.

Appropriate permits shall be obtained from the City of Lodi prior to the commencement of any work required herein:

1. Demolition

Newfield
January 8, 1992
Page 2

All required permits are to be obtained within 30 days of the date of this notice, and the demolition is to be completed within 90 days.


In all cases, the required demolition is subject to the inspection and final approval of the Building Division. Community Development Department, City of Lodi.

FAILURE TO COMPLY

In the event of your failure to comply with the requirements set forth above, the following may apply:

1. A citation may be issued.
2. Any person violating the provisions of the building code, mechanical code, plumbing code, electrical code, or housing code is guilty of a misdemeanor for each day such violation continues.
3. Any person convicted of a misdemeanor for violation of this code is punishable by a fine of not more than one thousand dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment for each violation.

Should you require additional information, please contact this office (209) 333-6711.


JAMES H. SIEMERS
Code Enforcement Officer
JHS/njl

cc: City Attorney
Chief Building Inspector

DECLARATION OF MAILING

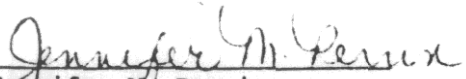
On July 20, 1992 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "L" attached hereto.

There is a regular daily communication by mail between the city of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 20, 1992. at Lodi, California.

Alice M. Reimche
City Clerk


Jennifer M. Perrin
Deputy City Clerk



CITY OF LODI

CARNEGIE FORUM
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

August 5, 1992

Time: 7:30 p.m.

For information regarding this Public Hearing
Please Contact:

Alice M. Reimche
City Clerk
Telephone: 333.6702

NOTICE OF PUBLIC HEARING

August 5, 1992

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

- a) Appeal received from Joe (Mark) Newfield regarding Notice of Public Nuisance and Order to Abate property located at 4 West Sierra Vista Place, Lodi issued by James H. Siemers, Code Enforcement Officer, on April 2, 1992.

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing

By Order Of the Lodi City Council:

Alice M. Reimche
City Clerk

Dated: June 3, 1992

Approved as to form:

Bobby W. McNatt
City Attorney

APPEAL FROM NEWFIELD
MAILING LIST
EXHIBIT B

Joe (Mark) Newfield
P.O. Box Q
Woodbridge, CA 95258

James B. Schroeder
Community Development Director

DECLARATION OF MAILING


On August 7, 1992 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addresseed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 7, 1992, at Lodi, California.

Alice M. Reimche
City Clerk



Jennifer M. Perrin
Deputy City Clerk



CITY OF LODI

CARNEGIE FORUM
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: September 16, 1992

Time: 7:30 p.m.

For information, regarding this Public Hearing
Please Contact:

Alice M. Reimche
City Clerk
Telephone: 333.6702

CONTINUED

NOTICE OF PUBLIC HEARING September 16, 1992

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a continued public hearing to consider the following matter:

1. Appeal received from Joe (Mark) Newfield regarding Notice of Public Nuisance and Order to Abate property located at 4 West Sierra Vista Place, Lodi issued by James H. Siemers, Code Enforcement Officer, on April 2, 1992.

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

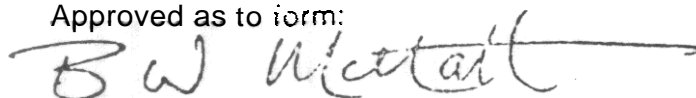
If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:


Alice M. Reimche
City Clerk

Dated: August 5, 1992

Approved as to form:


Bobby W. McNatt
City Attorney

APPEAL FROM NEWFIELD
MAILING LIST
EXHIBIT 6

James B. Schroeder
Community Development Director

Joe (Mark) Newfield
P.O. Box Q
Woodbridge, CA 95258